

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
Civil Action No. 1:20-cv-220**

**RITA W. BARKLEY and
RANDY W. BARKLEY,**

Plaintiffs,

v.

4520 CORP., INC., et al.

Defendants.

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JURY TRIAL DEMANDED

**PLAINTIFFS' MOTION BY EXECUTOR
TO BE SUBSTITUTED FOR DECEASED PLAINTIFF RITA W. BARKLEY**

NOW COME THE PLAINTIFFS, pursuant to Rule 25(a) of the Federal Rules of Civil Procedure, hereby file their Motion by Executor Randy W. Barkley, Individually and as Executor of the Estate of Rita W. Barkley, deceased, to be substituted as a plaintiff in this action. In support of their motion, Plaintiffs respectfully show the Court as follows:

Plaintiff Rita W. Barkley passed away on October 4, 2020. **Exhibit 1**, Death Certificate. Randy W. Barkley is the duly qualified and appointed Executor of the Estate of Rita W. Barkley and is acting as such, as shown by the Letters Testamentary attached hereto as "**Exhibit 2.**" **Exhibit 2**, Letters Testamentary. The subsequent complaint for wrongful death, which will be filed, will allege personal injury and survive the death of the Plaintiff.

Movant prays the Court pursuant to Rule 25 of the Rules of Civil Procedure that he be substituted as Plaintiff in this action.

Respectfully submitted on January 4, 2021,

/s/ Kevin W. Paul

Kevin W. Paul (MD CPF# 1112150010)

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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on January 4, 2021 Plaintiff filed the
aforementioned Motion by Executor to be Substituted for Deceased Plaintiff, via
ECF filing which will serve all counsel of record in the above-referenced matter.

/s/Kevin W. Paul
Kevin W. Paul